

Excerpts
 Planning Commission Minutes
 May 8, 2002

Application No. UP-597-02, John E. Wray Trust: Request for a Special Use Permit, pursuant to Section 24.1-306 (category 2, number 10) of the York County Zoning Ordinance, to authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road (Route 603) approximately 3,300 feet south of its intersection with Airport Road (Route 645).

Mr. Tim Cross presented the staff report contained in the memorandum to the Commission, accompanied by a brief video. He noted that a possible archaeological site has been identified on the property in question, and the applicant can choose not to disturb the site or to undertake a Phase I archaeological study.

Mr. Semmes asked if the site is to be cleared to the ground or if immature trees would be spared, and Mr. Cross said the professional forester representing the applicant could address that.

Responding to a question about access to the site, Mr. Cross said there is an existing gravel road that will be used for the timbering operation.

The Chair opened the public hearing.

Mr. Charles Carlisle, Area Manager, Timber Marketing and Management, Chester, Virginia, represented Messrs. John and Jeffrey Wray, co-owners of the property. Mr. Carlisle explained that the owners were willing to preserve the historical site by granting buffers up to 25 feet around it. The rest of the area will be clear cut and grass eventually will overtake the ground around the stumps, he said. All cutting will be done according to guidelines established by the Virginia Department of Forestry, Mr. Carlisle added.

Mr. Raphael C. Connor, 107 Thomas Nelson Lane, city of Williamsburg, expressed his concern at the level of development taking place in the area in question, naming the proposed hospital, WalMart, and Lowe's, all of which he felt undermine the watershed, the animal habitat, and environmental aesthetics. He requested denial.

Ms. Mary Grogan, 107 Thomas Nelson Lane, city of Williamsburg, did not believe any benefit would result from the proposed clear-cutting. She said there are more environmentally and socially responsible ways to accomplish the same thing, and, further, it would create a negative backlash for the tourism industry. She recommended denial.

Hearing no others, Chair Semmes closed the public hearing.

Mr. Hendricks acknowledged that the committee that had reviewed on the Comprehensive Plan had similar concerns to those expressed by Mr. Connor and Ms. Grogan, but to maintain balance between property rights and economic needs, some development is needed. He pointed out that

as long as the property is zoned for Limited Business, a property owner must be able to prepare and market it for limited business uses. The Comprehensive Plan designates Mooretown Road for commercial development, he added.

PC02-16

On motion of Ms. White, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE
PERMIT TO AUTHORIZE A FORESTRY OPERATION ON MOORETOWN
ROAD (ROUTE 603)

WHEREAS, the John E. Wray III Trust has submitted Application No. UP-597-02 to request a Special Use Permit, pursuant to Section 24.1-306 (category 2, number 10) of the Zoning Ordinance, to authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road (Route 603) approximately 3,300 feet south of its intersection with Airport Road (Route 645) and further identified as Assessor's Parcel No. 5-44, 5-45, and 5-46; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application; and

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of May, 2002, that Application No. UP-597-02 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road (Route 603) approximately 3,300 feet south of its intersection with Airport Road (Route 645) and further identified as Assessor's Parcel No. 5-44, 5-45, and 5-46 subject to the following conditions:

1. This special use permit shall authorize a forestry operation to be conducted on approximately 30.1 acres located on the east side of Mooretown Road (Route 603) approximately 3,300 feet south of its intersection with Airport Road (Route 645) and further identified as Assessor's Parcel No. 5-44, 5-45, and 5-46.
2. All activities shall comply with Sections 24.1-419, Standards for Forestry Operations, and 24.1-376, Watershed Management and Protection Area Overlay District, of the York County Zoning Ordinance.
3. All harvest activities shall be in accordance with the forest management plan titled "Forest Management Plan for Wray Brothers, Inc. York County, Virginia," submitted by Charles Rady Harmon, Consulting Forester, Timber Marketing & Management, Inc., and dated

February 1, 2001, except as modified herein. A revised forest management plan incorporating the conditions of this use permit shall be submitted to the Zoning Administrator and the Virginia Department of Forestry for approval prior to the commencement of the forestry operation.

4. An impact study prepared in accordance with the provisions of Section 24.1- 376(f) of the York County Zoning Ordinance shall be submitted to and approved by the Zoning Administrator prior to the commencement of any harvesting activity on the property.
5. An Erosion and Sediment Control Plan prepared in accordance with the provisions of Chapter 10 of the York County Code, Erosion and Sediment Control, shall be submitted to and approved by the County prior to the commencement of any harvesting activity on the property.
6. All forestry activities on the site shall be conducted in accordance with the guidelines set forth in the Virginia Department of Forestry's Forestry Best Management Practices for Water Quality in Virginia Technical Guide (3rd Edition).
7. All areas of bare soil resulting from the harvest shall be stabilized through revegetation in accordance with the guidelines set forth in the Virginia Department of Forestry's Forestry Best Management Practices for Water Quality in Virginia Technical Guide (3rd Edition). This revegetation shall immediately follow the conclusion of harvest activity on the property.
8. Archaeological Site No. 44YO389 as identified by the study entitled Resource Protection Planning Revisited: James City County, York County, and City of Williamsburg, prepared by the Colonial Williamsburg Foundation's Department of Archaeological Research, shall be left in an undisturbed state. No timber harvesting shall be permitted in the area of this site unless and until a Phase I archaeological study has been completed in accordance with the provisions set forth in Section 24.1-374(d) and submitted to the Zoning Administrator for review.
9. All buffers required herein shall be clearly painted rather than marked with the more common "flagging" technique.
10. All harvested timber, logs, tree branches, limbs, dead and damaged trees, and associated debris shall be removed from the site upon completion of the timber harvest
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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